

ESTTA Tracking number: **ESTTA771143**

Filing date: **09/16/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	CKL HOLDINGS N.V.
Granted to Date of previous extension	09/17/2016
Address	Leeuwenstraat 4 Antwerp, 2000 BELGIUM
Attorney information	Roman A. Popov Morton & Associates LLP 246 West Broadway, 4th Floor New York, NY 10013 UNITED STATES rp@mortonassociates.com Phone:(212) 796 4309

### Applicant Information

Application No	86923139	Publication date	07/19/2016
Opposition Filing Date	09/16/2016	Opposition Period Ends	09/17/2016
Applicant	Meyer Davis Studio, Inc. 180 Varick St., Suite 404 New York, NY 10014 UNITED STATES		

### Goods/Services Affected by Opposition


Class 020. First Use: 0 First Use In Commerce: 0  
All goods and services in the class are opposed, namely: Furniture

### Grounds for Opposition

Priority and likelihood of confusion	Trademark Act Section 2(d)
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### Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	87015298	Application Date	04/27/2016
Registration Date	NONE	Foreign Priority Date	10/30/2015
Word Mark	WILLIAM		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 018. First use: First Use: 0 First Use In Commerce: 0  Leather; trunks and suitcases; travelling cases; handbags; purses; wallets; umbrellas; parasols; walking sticks; whips; harness; saddlery</p> <p>Class 020. First use: First Use: 0 First Use In Commerce: 0  Divans; sofas; armchairs; beds; ottomans; tables; chairs; chaises longues; furniture; mirrors; picture frames</p> <p>Class 025. First use: First Use: 0 First Use In Commerce: 0  Clothing; footwear; headgear; swimwear; sportswear; leisurewear</p>

Attachments	87015298#TMSN.png( bytes ) Notice.Opposition.9.16.16.pdf(111389 bytes )
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### Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ Roman A. Popov
Name	Roman A. Popov
Date	09/16/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

CKL HOLDINGS N.V.,

Opposer,

v.

MEYER DAVIS STUDIO, INC.,

Applicant.

Opposition No.

Serial No. 86/923,139

Mark: WILLIAM GRAY ATELIER

Filing Date: February 29, 2016

Publication Date: July 19, 2016

**NOTICE OF OPPOSITION**

Pursuant to 37 C.F.R. §2.101, CKL Holdings N.V., a Belgian company duly organized and existing under the laws of Belgium, with a principal place of business at Leeuwenstraat 4, Antwerp, Belgium (hereinafter “Opposer”), believes that it will be damaged by the registration of the Mark WILLIAM GRAY ATELIER in International Class 20, which is the subject of U.S. Trademark Application Serial No. 86/923,139, filed by Meyer Davis Studio, Inc., a corporation existing under the laws of the State of New York, with a principal business at 180 Varick Street, Suite 404, New York, 10014, United States (“Applicant”), on February 29, 2016 and hereby opposes the same.

As grounds for this opposition, Opposer alleges the following:

1. Upon information and belief, Applicant filed to register the Mark “WILLIAM GRAY ATELIER” (“Applicant’s Mark”), assigned Application Serial No. 86/923,139, with the United States Patent and Trademark Office on February 29, 2016, for use in connection with International Class 20 goods, namely, “furniture” (the “Applicant’s Application”).

2. Upon information and belief, the Applicant's Application was published for opposition in the Official Gazette on July 19, 2016
3. On August 16, 2016, Opposer timely filed a 30-day Request for Extension of Time to File Opposition, which was subsequently granted, and the Opposition Period was extended to September 17, 2016.
4. Opposer timely filed a Section 44(d) application accorded U.S. Serial No. 87/015,298, for the Mark "WILLIAM" on April 27, 2016 for goods in International Class 20, namely, "divans; sofas; armchairs; beds; ottomans; tables; chairs; chaises lounges; furniture; mirrors; picture frames" (hereinafter "Opposer's Application").
5. Opposer's Application is based on its prior filing, accorded Application No. 01320131, with the Benelux Office for Intellectual Property, on October 30, 2015.
6. Opposer asserts a valid claim of priority pursuant to Article 4 of the Paris Convention, as Opposer's initial filing date, October 30, 2015, in the Benelux predates Applicant's US filing date, February 29, 2016.
7. The basis of this opposition is the likelihood of confusion that exists between Applicant's and Opposer's Marks. Both Applicant's and Opposer's Marks include the word element "WILLIAM," and as such are virtually identical to one another. The only differentiating factors between the Marks is that Applicant's Mark lists the names "GRAY" and "ATELIER" after the word WILLIAM, whilst Opposer's Mark does not.

8. The likelihood of confusion stems from the fact that Applicant's Mark incorporates Opposer's WILLIAM Mark in its entirety. Furthermore, the dominant feature of Applicant's Mark is the term "WILLIAM". Applicant's WILLIAM GRAY ATELIER Mark is virtually identical to Opposer's WILLIAM mark in sight, sound, meaning and commercial impression.
9. The addition of the names "GRAY" and "ATELIER", does little to diminish the likelihood of confusion that exists from the similarity of the word element WILLIAM, in the Applicant's and Opposer's Marks, respectively. This is primarily because the word element "WILLIAM" is a common name and is placed before "GRAY" and "ATELIER" which makes it the dominant portion of the "name mark" that consumers will remember.
10. The similarity between the two marks engenders a high likelihood that consumers with only a general recollection of Opposer's Mark will confuse products as emanating from the same source when they encounter the Marks separately in the marketplace.
11. Applicant's Mark is intended to be used in connection with similar and/or identical goods as those outlined in Opposer's Application. It is indisputable that the essence of both Applicant's and Opposer's goods, in International Class 20, is furniture.
12. The likelihood of confusion is amplified by the fact that there is direct overlap between Applicant's goods and the Opposer's goods in International Class 20. "Particularly, "furniture" in both Opposer's and Applicant's Application".

13. Upon information and belief, Applicant has not yet used its Mark in commerce in connection with any of the International Class 20 goods enumerated within the Application.
14. It follows, therefore, that Applicant's Mark has yet to acquire distinctiveness through intent to use in connection with Applicant's enumerated International Class 20 goods, to the level that it would deserve protection as a common law trademark.
15. Opposer submits that it would be unjust if Applicant's Application were to issue to registration, as it would enable Applicant to raise questions as to Opposer's use of Opposer's mark, as well as give the Applicant a prima facie exclusive right to use Applicant's Mark in connection with its enumerated International Class 20 goods, despite there being no such apparent use and Opposer having priority.
16. Applicant's use of the WILLIAM GRAY ATELIER Mark is likely to cause confusion, mistake or deception with consequent injury to Opposer and the public. Such use and registration of Applicant's Mark is likely to cause consumers to mistakenly believe that Applicant's services emanate from Opposer or that Applicant is in some way associated or connected to Opposer when, in fact, no such relationship exists.
17. Registration should be refused pursuant to Section 2(d) of the Trademark Act of 1946, as amended, 15 U.S.C. §1052(d), on the grounds that Applicant's Mark so resembles Opposer's Mark as to cause confusion, mistake and/or deception, all to the damage of Opposer.

18. Based on the foregoing, Opposer will be damaged by Applicant's use of the WILLIAM GRAY ATELIER Mark if the Application is permitted to proceed to registration.

**WHEREFORE**, Opposer, by its undersigned counsel of record, respectfully requests Application Serial No 86/923,139 be refused and that the Trademark Trial and Appeal Board grant any and all further relief to Opposer that the Board finds necessary and just under the circumstances.

Dated: New York, New York  
September 16, 2016

**Morton & Associates LLP**

By:   
Roman A. Popov, Esq.  
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New York, NY 10013  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing NOTICE OF OPPOSITION, has been served on Applicant's attorney of record by mailing said copy on September 16, 2016, via USPS First Class Mail, postage prepaid to:

Paul W. Kruse, Esq.  
Bone McAllester Norton PLLC  
511 Union Street, Suite 1600  
Nashville, TN 37219

Dated: New York, New York  
September 16, 2016

By:   
Roman A. Popov, Esq.